



PETERSFIELD TOWN COUNCIL

COMPLAINT PROCEDURE

May 2018

INTRODUCTION

The Town Council provides many services to community groups, sports teams, companies and individuals. We try to get our service right every time, but there are occasions when users of our services may be dissatisfied with an aspect of our performance.

This Procedure sets out how to raise a complaint with the Town Council.

The Procedure applies to:

- Services provided by the Council or the behaviour of staff employed by the Council;
- The behaviour of individual or groups of councillors.

It does not apply to general complaints about the town. These should be made through the various other channels available and would normally be handled by members or officers of the appropriate Council as part of their role. Nor does it apply to complaints about decisions made by Councillors during the course of formal Council meetings. Such complaints may be made in writing, addressed to the Town Clerk, but will be considered only at the absolute discretion of the Council.

CONFIDENTIALITY

All complaints made according to this procedure will be treated as confidential both by officers of the Council and by councillors. Details of the complaint, the complainant and those involved in the complaint will be disclosed only to those who have a need to know as part of any investigation of or resolution to the complaint.

DEFINITION OF A COMPLAINT

A complaint is an expression of dissatisfaction, however made, about the standards of service received, actions or lack of action by the Town Council or its staff which affects an individual or a group of people.

This Complaints Procedure will deal with matters of maladministration, which is if the Council does something the wrong way, fails to do something it should do or does something that it should not do.

This procedure will not deal with complaints for which there is a legal remedy or where legal proceedings already exist; for complaints about employment matters; or complaints about third parties that do not relate to action or lack of action by the Town Council itself. It will also not deal with complaints about the behaviour of elected members which are dealt with by the Monitoring Officer of East Hampshire District Council.

Anonymous complaints will not be investigated unless there is a strong and clear public interest in doing so.

The Town Council will endeavour to adhere to the timings outlined in this procedure, but in the case of a complex complaint or the absence of a member of staff involved in the

complaint, timings may have to vary. Should this occur then the complainant will be kept informed and advised of any revised timescales.

INFORMAL COMPLAINT

It is hoped that most complaints can be resolved quickly and amicably through this route.

Informal complaints can be made by telephone, email or a visit to the Council offices. The complaint will be handled by the most appropriate member of staff, depending on the nature of the complaint. The Town Clerk will be kept informed of the handling of the complaint and its resolution.

Complaints should always be directed through the Council offices. Complaints made to individual councillors will be acknowledged and recorded by the councillor and passed to the office for handling in accordance with this procedure.

It is expected that most complaints can be resolved through this informal route. However, the Council appreciates that on occasions if an informal approach has not resolved the complaint, or that the complaint is so serious, then the formal complaints process should be followed.

FORMAL COMPLAINT

The Town Clerk is responsible for managing the formal complaints process. If a formal complaint is being raised against the Town Clerk then the process as detailed below should be followed, but the Chairman of the Staffing Panel be informed instead of the Town Clerk.

A formal complaint should be submitted in writing to the Council offices, marked "Confidential – Formal Complaint" to ensure that the matter is handled by the Town Clerk's nominated deputy in case of the Town Clerk's absence from the office.

The complaint should cover as much detail as possible and enclose any relevant supporting documentation. The Town Clerk will acknowledge receipt of the complaint within three working days.

The Town Clerk will undertake an initial investigation into the complaint and will provide the complainant with a progress report or suggested resolution within ten working days. If the complainant is content with the proposed solution, then the complaint is closed. The Town Clerk will report to the Council, through the 'Clerk's Report' summary details of the complaint and a brief summary of the resolution. The summary report will exclude the name of the complainant.

If the Town Clerk is unable to resolve the complaint, or the complainant is not satisfied with the proposed solution then the matter will be referred to the Council's Complaints Appeals Panel.

APPEAL STAGE

The Complaints Appeals Panel consists of four councillors, three of whom must attend as a minimum to complete a quorum. The Panel is subject to the normal meeting requirements of the Council and it is expected that the Panel will be able to meet within ten working days of being notified by the Town Clerk.

Seven clear working days prior to the Panel meeting the complainant will provide the Town Council with copies of all documentation or other evidence (such as photographs) that they intend to present to the Complaints Appeals Panel. The Town Council will also provide all its documentation or other evidence to the complainant.

At the meeting the following procedure will be followed:

- The Complaints Appeals Panel will consider whether the circumstances of the meeting warrant the exclusion of the public and Press. As far as is possible the Council carries out its business in public, however matters that involve individual identified members of staff, may require the exclusion of the Press and public.
- The Chairman of the Complaints Appeals Panel will introduce everyone and explain the procedure to be used in order to consider the complaint made. The meeting should be as informal and friendly as possible, without prejudicing the need to consider properly the matter under discussion.
- The Complaints Appeals Panel will review the written material presented.
- The parties will be given the opportunity to make representations as outlined below:
 - The complainant will be invited to outline the grounds for the complaint and the Complaints Appeal Panel members will be able to ask any questions of the complainant;
 - If relevant, the Town Clerk (or other appropriate officer) will explain the Council's position and the Complaints Appeal Panel members will be able to ask any questions required;
 - The complainant is to be offered the opportunity of a last word as a means of summing up their position;
 - The Town Clerk (or other appropriate officer) is to be offered the opportunity of a last word as a means of summing up their position.
- The Complaints Appeals Panel may decide that a recess and/or further meeting is required before a decision can be reached in order to gather further evidence or for any other reason.
- The complainant and Council representative shall be asked to leave the room while the Complaints Appeal Panel members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties should be invited back. Both parties should also return to hear the decision or to be advised when the decision will be made.
- The Complaints Appeals Panel will issue a determination and a proposed resolution which shall be final.

CONSEQUENTIAL ACTIONS

A formal complaint is a serious matter. A complaint involving a member of the Council's staff could result in disciplinary action; or in cases of gross misconduct dismissal from the Council's employment.

The Council will not under any circumstances enter into any correspondence, or discussion, with any complainant about any action taken, formally or informally against any member of its staff as a result of the complaint. This is expressly to protect the employment rights to which all employees of the Council are entitled.

COMPLAINTS AGAINST COUNCILLORS

The Council has approved a Code of Conduct for Councillors (copy on our website) which is based on Councillors following the seven principles of public service:

- **Selflessness**
- **Integrity**
- **Objectivity**
- **Accountability**
- **Openness**
- **Honesty**
- **Leadership**

If you feel that a Councillor has not complied with the Council's Code of Conduct, you should send your complaint to:

The Monitoring Officer
East Hampshire District Council
Penns Place
Petersfield
Hampshire
GU31 4EX

PERSISTENT OR VEXATIOUS COMPLAINANTS

Persistent or vexatious complainants are those who, because of the frequency or nature of their contacts with the Council, hinder our ability to consider their or other people's complaints.

It is important to distinguish between persistent and vexatious complainants. People may be 'persistent' complainants because they consider that the council has not dealt with their complaints properly or fairly. Vexatious complainants may pursue their complaints in inappropriate ways or be intent on continuing to submit complaints which appear to have no substance or which have already been investigated and determined. Their contacts with the Council often place heavy demands on staff time and emotions.

Such complainants are in a very small minority but need handling sensitively.

Once the Town Clerk receives a complaint that is considered to be either persistent or vexatious, the details should be passed to the next available meeting of the Council for consideration and action. The Council will decide whether the complainant is persistent or vexatious and advise the complainants in writing of the reasons why they have been classified as such and any action to be taken which may include any or a combination of the following:

- Decline further contact with the complainant in person, by telephone, fax, letter or electronically – or any combination of these – provided that one form of contact is maintained. Alternatively, further contact could be restricted to liaison through a third party.
- Notify the complainant in writing that the Council has fully responded to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. Complainants should be notified that correspondence is at an end and that further communications will be acknowledged but not answered.
- Inform complainants that if appropriate, the Council reserves the right to refer the behaviour of unreasonable or persistent or vexatious complainants to the Police.
- In exceptional circumstances, consideration can be given to the possibility of obtaining a High Court Injunction to prevent the complainant harassing, threatening or distressing named or individual council employees.

REVIEW

This Procedure was last reviewed in May 2018 and is next due for review in May 2019.